

# American Renaissance

There is not a truth existing which I fear or would wish unknown to the whole world.

— Thomas Jefferson

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## The Hollow Debate on Race Preferences

### The Supreme Court side-steps the central question.

by Jared Taylor

In June, the US Supreme Court is expected to rule on whether universities can continue to favor blacks and Hispanics over whites and Asians in their admissions policies. This will be the high court's first major decision on "affirmative action" in the 25 years since *California v. Bakke*, and partisans on both sides are bracing for a ruling that could set the permissible bounds of race policy for many years to come.

The court's ruling will hinge on two central issues, one of which has been widely discussed, and the other completely ignored. The first—treated at length in legal arguments—is whether "diversity" of a student body is so important a national goal that racial discrimination is permitted in order to attain it. There has been legal and media silence, however, on the question of whether students of all racial groups are of equal ability and are equally capable of benefiting from university instruction. As we shall see, ignoring this question falsifies the debate, and undercuts the validity of the Supreme Court's decision, no matter how it rules.

#### Moving the Goal Posts

Since it was initiated under the Nixon administration, "affirmative action" has had a series of justifications, that evolved as the successive assumptions on which it was based turned out to be false. Racial preferences arose from the disappointments of the immediate post-Civil Rights era, when many activists expected that once the barriers of discrimination

were thrown down, blacks would glide effortlessly into good jobs and top universities. The theory was that systematic discrimination had excluded large numbers of smart, hard-working blacks from their rightful places, and that once dis-



The justices didn't get the whole story.

crimination ended, they would succeed at the same level as whites.

This was one of many naïve assumptions of the time, as universities and employers quickly discovered. It was hard to find attractive black candidates for Harvard and management training programs. The first goal of "affirmative

**Blacks and Hispanics got 20 extra points. Perfect SAT scores were worth only 12 points.**

action" was therefore to flush these people out, actively to identify and recruit blacks who were presumed to be as qualified as whites but were shy about showing up. When diligent searching failed to find qualified blacks, it was then only a small step to selectively lowering standards. This was now justified by the argument that if blacks did not appear to be attractive candidates it was only

because of the effects of past discrimination, which could be undone only by preferences. A leg-up at the right time would set them firmly on the path to success.

Many institutions established outright quotas for blacks, and for Hispanics as well, as their numbers increased and they, too, were unable to meet white standards. The 1978 *Bakke* case drew attention to quotas at the University of California Medical School at Davis, which held open 16 of 100 places for non-whites. Allan Bakke, a white man who was denied admission despite having better qualifications than all the quota non-whites, brought the suit that resulted in the famous ruling. By a majority of only 5-4, the court rejected outright racial quotas, but Justice Lewis Powell's decision permitted the use of race as a "plus factor" in admissions.

University officials simply instituted racial quotas but without the name. Since race was a permissible factor for admitting students, a university could give it just the right amount of consideration to bring non-whites up to a desired number. This was the clear intent of the University of Michigan, which is the defendant in the two cases now before the court. *Gratz v. Bollinger* challenges the undergraduate admissions system, which rated applicants on a scale that ranged from 47 to 150 points. "Underrepresented" minorities—blacks, Hispanics, and American Indians, but not Asians—automatically got 20 points added to their scores, an instant boost of nearly one fifth of the total possible variation in point scores (a candidate with a perfect 1600 on the SAT got only 12 points more than someone who got the rock bottom score of 400). The university had a target number of non-whites students, and set the point advantage for them at

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## Letters from Readers

Sir — In his letter in the May issue of AR, Kevin MacDonald blames the Immigration Act of 1965 on the Jews. But the Immigration Act of 1965 was not the cause of massive Third World immigration. As Stephen Webster points out in AR of April (“Fade to Brown”), none of its supporters thought it would lead to large-scale immigration. Moreover, as Hugh Graham points out in the book that Prof. MacDonald cites (*Collision Course: The Strange Convergence of Affirmative Action and Immigration Policy in America*, pp. 93-4) its supporters assumed that its main beneficiaries would be immigrants from southern and eastern Europe. The reason for massive Third World immigration, as Mr. Webster also points out, is that the US government did not react to the unintended results of the Immigration Act. On the contrary, it has constantly increased the ceiling on the number of legal immigrants and has done almost nothing to stem the flow of illegal immigrants.

Countries in which the number of Jews is negligible, like the Netherlands and Belgium, and countries in which Jews hardly exist, like the Scandinavian countries, have also let themselves be inundated with Third World immigrants; and they began doing that well before 1965. MacDonald trivializes a suicidal mental attitude that pervades the West and afflicts Jews as well as gentiles.

I would also like to make two comments about Samuel Francis’s perceptive review of Steven Pinker’s important *The Blank Slate* (March 2003). First, at one point Dr. Francis lets rhetorical exaggeration get the best of him. He writes, “Politically, much of what the Progressive Era, the New Deal, and the Great

Society did or tried to do was justified in terms of the blank slate doctrine.” I cannot see how any of the programs of the Progressives (e.g. direct election of US senators; referendum and recall at the state and municipal level) or New Deal (e.g. social security, the National Labor Relations Act) were motivated or justified by the blank slate doctrine.



Second, Dr. Francis points out the blatant contradiction between the evidence that Prof. Pinker adduces for genetic determination of intelligence and other traits, and his contention that the genetic basis of the black-white IQ difference has not been proven. Many scholars who try to be honest about American race relations make an exception for this, the ultimate issue (e.g. Stephan and Abigail Thernstrom in *America in Black and White*). I have long thought that the reservations they express about the genetic bases of racial differences is a tactic they use to enable them to get their other data and observations to a wide audience. In the case of Prof. Pinker, the contradiction is so obvious that I can see no other explanation. In fact, I think there is a strong possibility that he intended for his

readers to understand that that is what he is doing.

Prof. Steven Farron, Johannesburg, South Africa

Sir — As for what some Jews think about a polyglot society (re: “Fade to Brown” by Stephen Webster in the April issue), I suggest you seek out the positions of Rabbi Daniel Lapin and Dennis Praeger. Both are prolific authors, essayists, lecturers and highly regarded talk-show hosts—Rabbi Lapin in Seattle and Mr. Praeger in Los Angeles. Both have stated many times and on many occasions that only in a white, Christian America is the Jewish community safe.

If the Hebrew Immigration Aid Society (HIAS) is looking to import Negroes from Kenya, it is clear that they have become a Negro organization like the Anti-Defamation League (ADL). These organizations and the ACLU are Negro organizations in everything but name. The ADL supported the blacks as they rioted and killed Yankel Rosenberg in Crown Heights, New York, ten years ago. It didn’t seem to matter that the black war cries were “Kill the Jews!” and “Hitler didn’t do the job!” Many such organizations have become something totally different from what they were originally.

If you want some Jewish thinking other than the usual conventional stuff, you might also look to Jews for the Preservation of Firearms (jpfo.org).

Edmund Levine, Philadelphia, Pa.

Sir — Regarding Mr. Taylor’s response to “Ethnic Genetic Interests” (Feb. 2003), it is true that most people become racially aware only after having to endure the company of large numbers of non-whites. Subjective reasons for white unity are all that I (and most others) need for fighting for our “racial family.” We don’t need to justify our cause objectively—we love our own because they are our own. Even the Bible says to prefer the company of your own kind (Rom. 12:10), to look after your own family (Gal. 6:10), and to preserve your heritage (Deut. 7:1-6). And yet we don’t need religion to justify our cause either. People with healthy instincts have a natural, innate affection and preference for their own.

Rich Moran, Pleasant Valley State Prison, Coalinga, Calif.



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a figure that ensured it would get that number: a quota in everything but name.

*Grutter v. Bollinger* challenges admissions to the Michigan Law School, and though preferences were implemented differently, a district court found that race was “enormously important” in admissions decisions. The school set aside what was in effect a quota of 11 to 17 percent of each class for favored groups.

In the past, the Supreme Court has ruled that “narrowly tailored” preference programs are permissible if they are designed to compensate for specific acts of past discrimination. However, it is now nearly 40 years since the Civil Rights Act of 1965 banned racial discrimination in employment and university admissions, and there have been systematic preference programs for at least 30 years. The University of Michigan has been recruiting blacks since well before today’s freshmen were born, so it would be hard to argue that its point system compensated them for past discrimination. And, indeed, that is no longer the justification for racial preferences.

The argument Michigan is making, and one supported by *amicus* briefs filed by dozens of other universities as well as the US Army, is that racial diversity itself is such a compelling national and educational interest that it justifies discrimination against whites. President William Adams of Colby College says it is a “fundamental truth” that students “learn more and more powerfully, in settings that include individuals from many different backgrounds and perspectives . . . .” A former Michigan president, Lee Bollinger (the primary named defendant

in these cases), is even more categorical:

“Diversity is not merely a desirable addition to a well-run education. It is as essential as the study of the Middle Ages, of international politics and of Shakespeare. For our students to better understand the diverse country and world they inhabit, they must . . . study with, argue with and become friends with students who may be different from them. It broadens the mind and the intellect—essential goals of education.”



More veritas, please.

These academics are, of course, justifying diversity of only a certain kind. They would no doubt be horrified to think their reasoning could encourage the admission of evangelical Christians, race realists, big-game hunters, smokers, gun collectors, Stalinists or Nazis. They want uniformity of views, expressed by just the right mix of races.

In its arguments before the Supreme Court, the university claimed that the diversity it achieved by admitting underqualified minorities was of great value for students, but its own internal documents cast doubt on that claim. In March

1990, the university commissioned a study on the effects of diversity, the findings of which were published on May 24, 1994, two years before the Bollinger suits were filed.

The study surveyed the “expectations, perceptions, and experiences with respect to diversity,” of a sample of students in the 1990-91 freshman class and then followed up with surveys in succeeding years. One important finding was that students’ attitudes toward diversity are established before they arrive on campus, and aggressive multi-racial programs do not increase their appreciation of diversity. “Quite simply, access is not enough,” concludes the executive summary of the report. “Increasing the numbers of students who attend the institution from different racial/ethnic backgrounds does not in itself lead to a more informed, educated population, prepared to achieve in a complex and diverse world.” The university tried to look on the bright side: “The results do not support the claims by some that multicultural programs and curricular efforts are in themselves causing division and tension on campus.”

In fact, in some respects, the report admits that students’ attitudes towards diversity deteriorated with time:

“When students evaluate the university’s commitment to students of color, African American and White student perceptions are increasingly polarized. At entrance, 46 percent of African American students perceive a university commitment and at the end of the second year, this number decreases to 19 percent. For White students, the number perceiving a university commitment to students of color increases, from 57 percent at entrance to 70 percent in the sophomore year.” In other words, whites certainly notice the university’s endless “support” and “sensitivity” for blacks, but blacks think it’s not enough.

Perhaps most significantly, the report found that blacks are not interested in the cross-cultural give-and-take that Lee Bollinger assures us in the above quotation is one of “the essential goals of education.” As the report delicately puts it: “Interaction is generally not occurring in close social networks . . . .” Blacks “seem to assess diversity efforts in terms of more institutional aspects of the racial climate. Interpersonal contact or concern with ‘division’ are not as salient in their evaluations of diversity, as are issues of ‘university commitment,’ ‘re-



spect,' and representation of African American experiences in the educational process. . . . Unfortunately, the desire to learn and understand other groups' contribution to society (Asian American or



The law school.

Latino/Hispanic, for example [presumably they already know all about white, European history and culture]) does not appear to be an important component of their evaluation of diversity as of yet."

Put in plain English, blacks don't give a damn about "studying with, arguing with, and becoming friends with students who may be different from them." To them, "diversity" means the very opposite of what it means to the university: It is whatever it takes to make their four years on campus as comfortably "black" as possible. They are not interested in offering people of other races the enrichment their presence is alleged to confer, nor do they want enrichment from others.

The Michigan study is not the only one to deflate grand claims for diversity. The Spring 2003 issue of *The Public Interest* (Stanley Rothman, Seymour Martin Lipset, Neil Nevitte, "Racial Diversity Reconsidered, pp. 25-28.) includes results of a survey of 140 universities and colleges, which compared the attitudes of students on racially diverse campuses with those at less diverse schools.

The results are worth quoting at length:

"It is commonly believed that increases in black enrollment will produce positive assessments from students about their educational experience. But in fact the correlation went in the opposite direction. As the proportion of black students rose, student satisfaction with their university experience dropped, as did their assessments of the quality of their education and the work ethic of their peers." The article notes that faculty and administrators had the same view: the

more diverse the campus, the worse they found the quality of education and lower the level of student competence.

Increasing numbers of Hispanics also had a depressing effect on student evaluation of the quality of their education, though not to the same extent as increases in blacks. The presence of Asian students seems to have had no effect, positive or negative.

The article continues:

"Finally, enrollment diversity was positively related to students' experience of unfair treatment, even after the effects of all other variables were controlled. (As the proportion of black students grew, the incidence of these personal grievances increased among whites. . . . Thus diversity appears to increase complaints of unfair treatment among white students without reducing them among black students.)"

To anyone not completely deceived by liberal propaganda, such results are entirely to be expected. Most whites leave when blacks or Hispanics move into the neighborhood, and most white parents take their children out of schools that become majority non-white. Blacks and Hispanics themselves show a marked preference for living and associating with people like themselves. Why would this near-universal distaste for diversity blossom into love only on college campuses?

Diversity among college students is no different from diversity anywhere else. It may very well expose people to different experiences and points of view, but these are points of view they may find repellent and experiences they might rather not have. This, then, is the compelling national goal Michigan assures the Supreme Court is so important it justifies racial discrimination.

It is ironic that most of the people now telling us what joys diversity brings are not speaking from experience. The administrators who explain to us how essential diversity is to education and to understanding our fellow man had, by their own standards, defective educations in bleakly homogeneous institutions. Those who studied at Oxford as Rhodes Scholars must have learned almost nothing, lost as they were in a uniform sea of Englishmen. But this is the way it is with race: Whites who have had the least experience with non-whites always consider themselves qualified to lecture us on race relations. It is entirely

possible that the whites on the Supreme Court, who likewise had miserable, homogeneous educations, can be talked into thinking they know what is best for the rest of us, and will agree that diversity is a compelling national objective. The one justice who has experienced "diversity" all his adult life, black justice Clarence Thomas, will probably vote against any form of racial preferences, but whites who know better may well outvote him.

### Race and Reality

The *Gratz* and *Grutter* cases are, however, taking place in something of an intellectual vacuum. Let us imagine, for a moment, an Olympic Games without separate divisions for men and women, in which all events were open to both sexes. Any country that had any hope of winning would field a team that was all or mostly men (perhaps an equestrian or an archer might be a woman). Let us then imagine an American Olympic committee intensely committed to sexual diversity, and that claimed diversity was such an important goal it justified taking sex into consideration in the selection of athletes. In the national debate that followed, someone would surely point out that men are stronger and faster than women, and that if the Olympic team turned out to be all male it would simply reflect superior ability. A debate in which this point were not raised would hardly be a debate.

Likewise, a national debate on racial preferences that does not raise the question of race differences in mental ability is hardly a debate. To continue the Olympic analogy, it is like assuming men and women are equal in athletic ability, and then straining every muscle to root out the terrible sex discrimination that keeps women off the team.

It is true that the current Supreme Court debate is couched in terms of diversity rather than discrimination, but the underlying assumption of every national racial policy is that all races are perfectly, mathematically, geometrically equal in ability, and that any non-white shortfall in achievement is due to white "racism." Indeed, today, the most powerful case to be made for racial preferences is *not* to sing the dubious praises of diversity, but to argue the following syllogism: "We know the races are equally able and hardworking. We know blacks and Hispanics perform badly because of white

oppression. Racial preferences are therefore just compensation to blacks and appropriate punishment for whites.” Within the stylized exchanges that pass for debate on race, this is an irrefutable argument.

The fact that Asians, despite a history of considerable discrimination, make more money than whites and are accepted at higher rates by elite universities, never seems to sway our official faith in the “racism” explanation for black and Hispanic failure. If the races are equal, and white malevolence explains underachievement by non-whites, does white *favoritism* somehow explain Asian overachievement? Asians are inconvenient to the racism-explains-all view, so proponents of racial preferences ignore them.

Of course, among psychologists and experts in mental testing, it is widely understood that blacks and Hispanics are simply not as intelligent as whites, and that Asians are slightly more intelligent. Ever since the First World War, when large-scale data were first collected, blacks have been found to have an average IQ of about 85 as opposed to a white average of 100. There is, of course, considerable racial overlap, but only 16 percent of blacks have IQs of 100 or above. Whites are about six times more likely than blacks to have IQs of 135 and higher, that is to say in the “gifted” range at which people make a real mark in intellectually demanding fields. Blacks are about six times more likely to have scores in the “retarded” range of 70 and below. As the graph on this page shows, because there are many more whites than blacks in the United States, the absolute numbers of whites in the higher ranges of IQ are vastly greater than for blacks.

North Asians—Japanese, Koreans, and Chinese—have an average IQ of 103 to 105. American Hispanics are a very heterogeneous population, but their average IQ scores range from the mid-80s to mid-90s.

Among specialists, there is no debate over the fact of differences in IQ and that these differences underlie different levels of achievement. The only debate now is over how much of this difference to attribute to genes and how much to environment.

In the mid-1980s, at a time when public discussion of race and IQ was, if anything, even more taboo than it is today, Mark Snyderman and Stanley Rothman sent a survey to psychologists and mental testing experts to gather their views *anonymously*. A majority of the 661 respondents wrote that the black/white IQ gap had both genetic and environmental causes; only 15 percent wrote that the race difference was caused entirely by environment.

Since that time, there have been significant advances in our understanding of the IQ gap, most notably the continuing work of Arthur Jensen, and that of Philippe Rushton, Richard Lynn, Linda Gottfredson, Michael Levin, and others, but our rulers and media elites continue to pretend none of this research was ever done, or to deride and mischaracterize it when they mention it at all. The situation Dr. Snyderman and Prof. Rothman

thus threaten their scientific work.” (Snyderman and Rothman, *The IQ Controversy*, Transaction Publishers, 1988, p. 50.)

Linda Gottfredson of the University of Delaware, who has fought off torrents of abuse because of her research on race, has lost patience with timid colleagues, whom she accuses of collective fraud:

“Collective fraud is the systematic and knowing suppression of unwelcome truths by a set of experts who either shade the truth or acquiesce to such shading. . . . [I]t is tacit collusion in distorting or suppressing scientific evidence for the purpose of sustaining a major falsehood. . . . Perhaps the most aggressively perpetrated collective fraud in the social sciences today is that which sustains the *egalitarian fiction*. This is the frequent but false assertion that intelligence is clustered equally across all human populations, that is, that there are, on average, no racial-ethnic disparities in developed mental competence.” (“Equal Potential: A Collective Fraud,” *Society*, July/August, 2000, p. 19.)

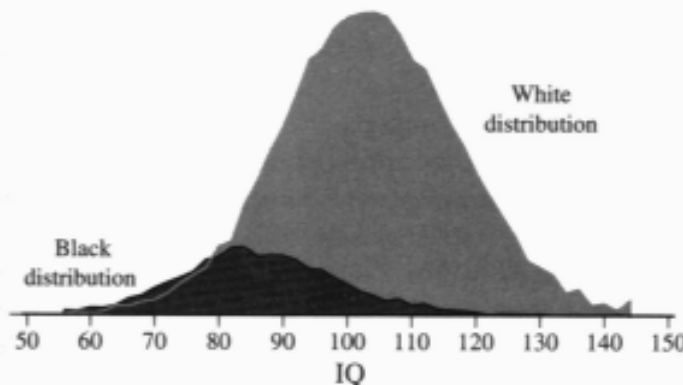
Our rulers are schizophrenic about IQ and mental testing. It is fashionable to claim that IQ scores are meaningless; to claim that intelligence cannot be defined; that whatever it is, it can be boosted by early instruction; that essentially anyone can be trained to do anything. And yet, when the US Supreme Court was persuaded to rule that convicts with IQs below 70 could not be considered fully responsible for their

actions and should therefore not be executed, there was no outcry about the meaninglessness of IQ. Likewise, the US Army routinely tests recruits and does not accept anyone with an IQ below 85. The army therefore rejects a far greater proportion of blacks than whites on the grounds that they are untrainable, but it would never draw public conclusions about racial differences.

The racial gap in IQ (see issues of Sept. 1998, Oct. 1997, and Feb. 1995 for in-depth articles on findings in this area) is central to any number of constantly recurring problems in American society that are otherwise baffling. There is not a single school district in the country in which blacks and Hispanics perform at the same level as whites and Asians. Nor are blacks and Hispanics

## Black/White IQ Distributions

Frequency distributions proportional to the ethnic composition of the U.S. population



described in the 1980s continues to this day:

“[W]e believe the expert community has more or less accepted such distortions as inevitable. Since their scientific findings run counter to a conventional wisdom whose supporters are quite passionate, they have accepted a tradeoff that permits them to publish their findings in professional journals, but not for popular consumption. Under such circumstances they can continue their scientific work without the fear of being pilloried by the larger community and of being deprived of grants for research by government agencies and private foundations. So fully have many experts accepted this arrangement that they are angered by colleagues with whom they agree but who popularize their views and

accepted into gifted programs at the same rates as whites or Asians (except for some districts that explicitly relax standards for them). Year after year, in every state, black high school seniors do work at about the level of white ninth graders. Why, after decades of trying, can't even one of thousands of school districts get it right?

After well-publicized reports during the 1980s that American high school students perform poorly by international standards, 19 states instituted graduation examinations. Invariably blacks and Hispanics fail the exams at disproportionate rates, and put pressure on schools to lower standards or do away entirely with "racist" exams. Recently, blacks and Hispanics demonstrated in several major California cities to demand an end to graduation tests that require knowl-

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**It is unfair to set goals for teachers and school systems that cannot be reached. The goal should be to raise scores for *everyone*, and to stop pretending to be shocked when different racial groups do not perform identically.**

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edge only at the ninth or tenth grade level.

In New York State, students must pass what are called Regents examinations in order to get a high school diploma. State authorities are now mulling whether to follow the original plan and raise the passing score for 2004 from 55 to 65 on three of the five exams. The problem is that blacks and Hispanics are three times more likely than whites to fail if the state makes this change, and school administrators know they will face terrible criticism if they do anything that could be called "racist." There is an excellent chance the state will fail to raise the passing score only because blacks and Hispanics will fail to meet them.

The goal of narrowing the performance gap between blacks and whites (no one seems to worry about the need to bring whites up the level of Asians) is a constant refrain in education circles. A recent report commissioned by the College Board concludes that "a primary objective of local, state, and federal

education leaders and policy makers should be equal representation of African Americans, Latinos, and Native Americans," at top levels of achievement, and urges that all education policies at every level be evaluated in light of this goal.

This is a fool's errand. The country might as well launch a national campaign

to stamp out lust and selfishness; it would be no more likely to succeed. Moreover, it is unfair to set goals for teachers and school systems that cannot be reached. The goal should be to raise scores for *everyone*, and to stop pretending to be shocked when different racial groups do not perform identically. All children benefit from good instruction,

## Through the Back Door

Racial preferences arise from the fact that "underrepresented minorities"—blacks, Hispanics, and American Indians—do not have the same abilities and qualifications as whites and Asians. In California, for example, eligibility for state universities is based on a combination of high school grades and standardized test scores. Last year, students of different races met these standards in the following percentages: Asians - 30 percent; whites - 13 percent; Hispanics - 4 percent; blacks - 3 percent. Asians now dominate the top University of California campuses like Berkeley and UCLA, and any attempt to get blacks and Hispanics into the system in anything like representative numbers requires stiff racial preferences. In the country as a whole, at selective colleges, blacks have combined SAT scores about 200 points lower than whites.


In 1996, Californians passed a statewide initiative to ban consideration of race by the state in hiring and college admissions. The number of black and Hispanic students—who were now admitted purely on ability—plummeted. The UC system did not simply accept this. It poured effort and money into trying to improve primary and secondary education for blacks and Hispanics. It also recruited even more vigorously than before, to make sure that the tiny number of blacks who might have gone to Harvard go to Berkeley instead. Most significantly, it changed its evaluation of candidates to admit anyone who graduated in the top four percent of his California high school class—no matter how bad the school. Blacks and Hispanics are still greatly "underrepresented," and administrators would love to return to unabashed race-based admissions.

It is local, not federal law, that has forced race preferences in California into slightly less blatant form. A Su-

preme Court ruling could force administrators across the country into the same kind of maneuvering. Maneuvering would be greatest in graduate schools, where the competition for admission is fiercest.

To get into the U of M law school, a white student must score at least 165 on the Law School Admissions Test and have a grade-point average of at least 3.5. Last year, 4,461 law school applicants in the whole country did this well or better. Of that number, only 29 (0.6 percent) were black and 114 (2.5 percent) were Hispanic. In each law school class of about 350, Michigan likes to have at least 30 blacks. With so few qualified candidates, the school might well have no blacks or Hispanics at all if they had to meet white standards.

About the last place Americans want to see lowered admissions standards is in medical school, but diversity is on the march there, too. According to the Association of American Medical Colleges, if its member schools relied on strictly academic qualifications, only three percent of medical students would be black, Hispanic, or American Indians as opposed to the current 11 percent. One dodge for letting in more non-whites is to give points for "economic hardship"—as if that made people better doctors—but this doesn't work either. In 2001, black and Hispanic medical school applicants from families earning \$80,000 or more got average Medical School Admission Test scores of 21.9. Whites and Asians from families with incomes of *under* \$30,000 outscored them, with averages of 25.7 and 25.5 respectively.

In our society there are many well-entrenched people prepared to do whatever it takes to achieve racial "diversity." They will lower standards, they will discriminate openly against whites, and they will unblushingly subvert any attempt to restrain them. 

and when each child gets the best possible instruction achievement rises across the board, but the gap between the smart and not-so-smart *increases*. The only way to eliminate differences in achievement is to teach nothing, leaving all children equally ignorant.

The quest for proportionate racial representation at all job levels is equally foolish. Linda Gottfredson has studied the IQ requirements for different professions, as well as the representation of blacks in these professions. Given the well-known patterns in which intelligence is represented in each race, it is possible to calculate approximately how many blacks are smart enough to be doctors, lawyers, or corporate presidents. Prof. Gottfredson has found that blacks are already slightly *over*represented in these professions, meaning that we do not live in a society that holds blacks down, but in one that raises them up (see sidebar, previous page).

### Misdiagnosis

What Prof. Gottfredson calls “collective fraud”—the systematic assertion that there are no group differences in ability—must be one of the most successful and damaging propaganda campaigns in history. To put it bluntly, its success means that we cannot even understand racial problems, much less solve them. Misdiagnosis means our attempts to solve problems are not just wrong; they are perverse. The entire decades-long and embittering experience of racial preferences would never have begun if our society had accepted and understood racial differences from the outset.

Because we deny the real causes of black failure, we devote ourselves to searching for and “eliminating” spurious causes. If the theory is that blacks fail because they do not have proper “role models” we hire unqualified blacks and put them in positions of authority. If white society has destroyed black self-esteem we promote grandiose fantasies about African history. If segregated schools were bad for blacks we send them to white schools. If black children still get bad grades, we devalue the curriculum so everyone can get “A”s. If blacks do poorly on standardized tests we do away with the tests. If not enough blacks and Hispanics can get into gifted programs, we lower standards just for them. If “racist” employers prefer not to

hire blacks, we force employers to hire them. If a “racist” society still manages to impoverish non-whites, we give them welfare and food stamps. And everywhere, always, we batter whites with the constant message that “racism” is the greatest of evils, and that whites are collectively responsible for black and Hispanic failure.

When one grand project to lift up the black man mysteriously fails, America embarks on yet another, but each successive failure only confirms the terrible truth: Whites must be even more viciously racist than anyone had thought. Therefore, each new experiment is launched with more denunciations of white wickedness and appeals to white guilt. No opportunity is lost to invoke the memory of slavery, Jim Crow, segregation, and the lynch mob.

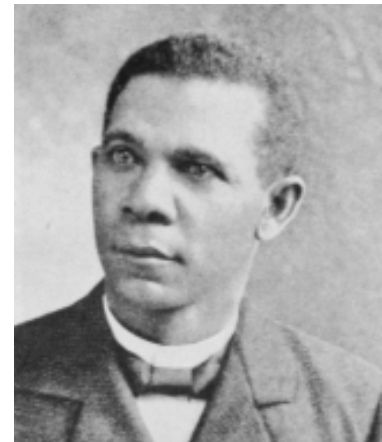
The battle against “racism” is not just about steeping whites in guilt. It requires direct racial discrimination against them of the very kind civil rights laws were supposed to prohibit. The injustices of affirmative action are visited on every new generation of white Americans that applies to college or needs a job. The burden falls on young whites who have grown up long since the abolition of legal discrimination against blacks and who cannot possibly be held responsible for whatever wrongs may have been done to blacks in the past. The meekness with which young whites accept discrimination and the diligence with which their elders mete it out are among the wonders of our era. The Michigan cases and other anti-discrimination suits brought by whites are a sign that the patience of whites is finally wearing thin.

As Michael Levin has demonstrated in *Why Race Matters*, any theory of compensation for non-whites requires proof that whites have wronged them. In America today, every disparity in achievement is automatically attributed to white “racism,” past and present. But if, as the evidence overwhelmingly demonstrates, blacks and Hispanics are held back by inherent reasons over which whites have no control, the argument for compensation collapses.

Many would argue that even if there are racial differences in average ability, this subject is best not discussed. They are like the Victorian lady who said of Darwin’s theory of evolution: “I pray that it not be true. And I pray that if it be true, it may never become widely known.” One reason offered for sup-

pressing the truth is that public recognition of racial differences might lead to calls for persecution of blacks, and even genocide or slavery. This is nonsense. Until 50 or 60 years ago, everyone took racial differences in ability for granted, but this never led to genocide. The people who ended slavery were firmly convinced of Negro inferiority but this did not temper their abolitionist zeal. In fact, millions of white people are aware of current research, and have quietly drawn their own conclusions from it without changing their attitudes towards individual blacks.

The other reason to suppress the truth is the fear that it might “devastate” blacks, and drive them to even greater depths of violence, illegitimacy, unem-



Booker T. Washington - never “devastated.”

ployment, and drug-taking. In fact, none of these problems was nearly so bad when Americans, white and black, believed in significant racial differences. There is no evidence that blacks in the 1920s, for example, were psychologically “devastated” by prevailing views on race. They did as Booker T. Washington told them, and got on with their lives. Violence, illegitimacy, and drug-taking—brought on, we are constantly told, by “hopelessness”—were nothing like the problems they are today.

Whites are certainly not “devastated” by the idea Japanese and Chinese may be smarter than they are. On many college campuses, especially in California, whites stay out of science courses in which many Asians are enrolled because they know the competition will be stiff. This doesn’t drive them to crime and cocaine.

An important part of growing up is the realization that there are people who are better at some things than we are. If we lost the competition it was because



we were beaten fair and square, not because we were cheated. By telling blacks they are just as able as whites, we have instilled in them the conviction that they are constantly being cheated even when they are beaten fairly. Insisting on equality despite the powerful evidence to the contrary only sets up expectations for blacks that are sure to be disappointed and lead to bitterness and even worse.

White “racism” becomes the only acceptable explanation for black failure, and incessant tub-thumping about it stirs up hatred that is completely undeserved. If whites in positions of authority keep telling blacks how “racist” the country is, what could be more natural than for blacks to hate whites? Anyone who doubts the widespread hatred of blacks for whites need only listen to all-black radio. This hatred is borne out both in the venomous rhetoric of rap lyrics (see May, 2000) and in the gruesome statistics on interracial crime (see “Race, Crime, and Violence,” July, 1999). Perhaps the most alarming index of the state of mind of blacks is that nearly one third

are willing to tell pollsters they think AIDS was invented by the US government as a way to exterminate them. If ten million blacks really think the same government that forbids racial discrimination and that mandates racial preference programs is trying to kill them, what does this say about what they think of whites in general?

It may be that the Supreme Court finally will rule against the injustice of racial preferences, despite the yawning racial gap in achievement. It may rule that campus diversity is not sufficient justification for taking measures against whites that would be called vicious discrimination if taken against blacks or Hispanics. If it does rule to permit race-based admission policies, however, we can be certain that looming large in the background of that decision was the false assumption that was neither affirmed nor disputed: that the races are all equal, and that only white oppression explains unequal results.

However the court rules, university administrators will find ways to admit

underqualified blacks. Several states, including Florida, Texas, and California have reacted to local bans on racial preferences by declaring that any high school senior graduating in the top ten percent or so of his class (the percentage figure varies from state to state) is automatically eligible for the best state universities. This is a cynical policy that counts on segregated high schools to ensure that the top students at some—undoubtedly inferior—schools are black. These programs are explicitly designed to subvert the purpose of bans on affirmative action and to get the effects of racial preferences without openly using race as a criterion.

If the Supreme Court prohibits racial preferences, we can be certain these and other substitutes for racial discrimination will proliferate. Until our country recognizes the reality of racial differences in ability, we will continue to pass laws and promote policies that subvert the merit system, stir up racial hatred, and punish whites for the failures of non-whites. **Ω**

## Race Denial: The Power of a Delusion

*Race: The Power of an Illusion*, produced by California Newsreel and the Independent Television Service, Larry Adelman, Executive Producer. Funding from the Ford Foundation and the Corporation for Public Broadcasting Diversity Fund. 2003. Running time: 56 minutes per episode. Three episode set, \$295, individual episodes, \$195.

### ‘Science’ in the service of politics.

by Michael Rienzi

On April 24, PBS aired the first of a three-part television series called “Race—The Power of an Illusion,” produced by a lefty outfit called California Newsreel, whose website says it specializes in “educational videos on African American life and history, race relations and diversity training, African cinema, Media and Society, labor studies, campus life, and much more.” The first episode, called “The Difference Between Us” purported to demonstrate that race is an “illusion” concocted to justify repression of “people of color” by nasty white-skinned people.

This is, of course, the kind of programming liberals love. The *Philadelphia Inquirer* called it “one of the most provocative, and potentially most impor-

tant television shows of this or any other season.” Black columnist Clarence Page reveled in the indictment the series brings against whites.

The first installment assembled a number of prominent race-denying “experts:” Richard Lewontin, a long-time

### RACE the power of an illusion

critic of the biological race concept, and Joseph Graves, who wrote the race-denying book *The Emperor’s New Clothes: Biological Theories of Race at the Millennium*. The late Stephen Jay Gould, notorious for his economy with the truth, was also featured. All the experts were deniers; not a single scientist who recognizes the concept of race was interviewed, or participated in producing the program.

What arguments do these experts make? First, they harp on the fact that

there is no single gene or (small) set of genes unique to any racial group. They suggest that two members of the same race may differ from each other more at a specific gene locus than they do from someone of a different race. In other words, at some small part of their genomes, a person can appear more similar to some people of other races than to some people of his own race. This is true, but meaningless.

This argument implies that if, for any particular genes or traits, two family members are less like each other than to a complete stranger, then “family does not exist, and family is an illusion.” Let us imagine two full brothers: Joe and Ted. Joe has brown eyes, brown hair and has blood group O. Ted has blond hair, blue eyes, and blood group B. Hans, who is a complete stranger to Joe and Ted, also happens to have blond hair, blue eyes, and blood group B, just like Ted. If we look at *only these traits*, Ted is more closely related to Hans than to his

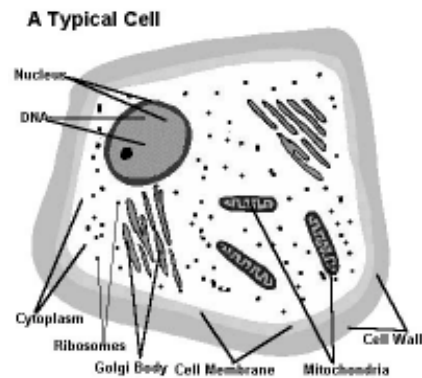


brother Joe. Does this, then, invalidate the concept of family?

It is, in fact, true that among the tens of thousands of genes, it is possible to find some number of gene loci at which a white person may appear more similar to an Asian or African than to certain other whites. This does not invalidate the concept of race any more than the example of Ted, Joe, and Hans invalidates the concept of family kinship.

An important argument *in favor* of race—and, of course, absent from the program—is that when enough genes are considered, race becomes unmistakably real. As readers of AR are aware (see issues of Aug. 2000, March 1997), both the work of Luigi Cavalli-Sforza, as well as that of Masatoshi Nei and Arun Roychoudhury, show consistent genetic differences between human populations. When these genetic differences are represented graphically, the resulting population groups are virtually identical to the major racial groups established by physical anthropology.

In other words, the idea that a race must be characterized by specific genes found only in that race and never in another race is a straw man put up by ex-



perts, so they can knock it down and make politically-motivated claims. These experts seem to be well aware of popular misconceptions, and appear deliberately to take advantage of them. The layman might well think different races *must* differ greatly in genetic structure, that there *must* be genes unique to each race, that races *must* differ “90 percent genetically,” etc. Experts then come along and point out that this is not so, and then try to use this surprise to convince people race is an illusion. Real scientists understand that racial differences are a result of many patterns of differences in gene frequencies, as well as specific differences in forms of vari-

ous genes that code for racially-relevant physical traits.

What is probably the central event of this television program is a DNA test given to a group of students of different races. First, the students are introduced and made to say that they expect to be genetically more similar to other students of the same race. For example, a black student named Jamil says: “I think I have the most differences with Kiril [who is white] and the most similarities with Gorgeous. She’s African-American, I’m African-American. I mean, like black.” The white student Noah says he thinks he will be most similar to fellow whites like Kiril. The students also compare skin color to set the stage for the results.

The program’s producers are shrewdly manipulating the students, setting them up for the “surprise” when the results do not turn out as they (or naive members of the audience) expect. The punch-line is that Jamil finds out he is more similar to the white Kiril than to the black Gorgeous, and the Asian Jackie is similar to someone from the Balkans. Noah, who is white, has DNA sequences similar to a sample from the Balkans, from Iceland, and from Africa. The narrator intones: “Genetic data can subvert racial assumptions about racial ancestry.”

The key to this test—and what can only be seen as mendacity on the part of its producers—is that it was done with mitochondrial DNA. Mitochondrial DNA can be useful for population studies, but is completely useless for determining race at the individual level, or for comparing the racial ancestry of one individual to another.

This special kind of DNA is found in small organelles, called mitochondria, in the protoplasm of the cell, and is inherited exclusively from the mother. Mitochondrial DNA is involved in the organization and structure only of mitochondria, not of the rest of the body. You inherit all your mitochondrial DNA from your mother, but only 50 percent of your autosomal nuclear DNA, the DNA that codes for the rest of the human body, including racially-relevant traits. However, your mother got all her mitochondrial DNA from her mother—your maternal grandmother—while your grandmother’s contribution to your overall genome is only 25 percent.

With each preceding generation, the autosomal genetic input from your mitochondrial DNA precursor is halved.

Your matrilineal ancestor of only five generations back contributed all your mitochondrial DNA but only 1/32 of your total genes. Go back ten generations, and it is 1/1024, a vanishingly small number, which would have virtually no effect on overall racial character. It is obvious, therefore, that mitochondrial DNA markers tell you almost nothing about the overall racial ancestry of any individual.

Someone who appears to be a 100 percent “pure” Negro could have an “Anglo-Saxon” mitochondrial marker and vice versa. The fact that Jamil is more similar to Kiril than to Gorgeous in mitochondrial DNA tells us that per-

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### **The key to this test—and what can only be seen as mendacity on the part of its producers—is that it was done with mitochondrial DNA.**

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haps many generations back, one of his maternal ancestors was white. An estimated nine to 15 percent of American blacks have Caucasian mitochondrial DNA, meaning that this percentage have at least one white maternal ancestor. That is all it would take for Jamil’s mitochondrial DNA to be more similar to that of whites than to that of blacks who have no white maternal ancestors. Maybe the person from the Balkans who had mitochondrial DNA similar to the Asian Jackie had a maternal ancestor who was from Central/East Asia—possibly a Turk or Avar or Hun or Mongol or Bulgar, etc.

All mitochondrial DNA can tell any individual is the possible place of origin of *one* out of thousands of ancestors. It is impossible to determine race this way, and for the “experts” to imply that this test somehow invalidates the concept of race is outright deception. A test using autosomal DNA would have given very different results.

Mitochondrial DNA is certainly “genetic material,” but it is not what most people are thinking of when they think of “genes” or genetic identity. In fact, the mitochondria are so “genetically degenerate,” they cannot depend entirely on their own DNA but get help from autosomal DNA, which codes some of their proteins. A population geneticist, for example, would laugh at the idea of

trying to identify someone from mitochondrial DNA. It is difficult not to conclude that the “experts” on this program wanted a racially ambiguous result and chose a methodology that would produce it.

This reliance on mitochondrial DNA is particularly disturbing, given that an autosomal DNA “race test” is readily available from DNA Print Genomics, Inc. (The company calls it a test of “biogeographical ancestry.”) The latest version of the test, (see <http://www.ancestrybydna.com>) uses autosomal DNA markers and determines the proportion of ancestry that is Indo-European (Caucasian), African (sub-Saharan African; i.e., Negro), Native American (Amerindian), or East Asian (Mongolid/Oriental/Pacific Islander).

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### Arguments that “invalidate” race would also invalidate family and even species.

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Individual case studies are featured on the company’s website. The company’s CEO, Tony Frudakis is mostly of European descent, but has one great-grandparent described as an “almost pure Cherokee.” Dr. Frudakis maps out as having 11 percent American Indian ancestry (very close to the 12.5 percent expected from his great grand-parent); he is also 85 percent Indo-European and four percent African. His Mexican wife mapped out as 76 percent Native American, 13 percent African, and 11 percent Indo-European, an unsurprising mix for a Mexican. Neither Frudakis nor his wife showed any East Asian/Pacific islander ancestry.

It is hard to reconcile data of this kind with the idea that race is an illusion. With the right genetic information race can be determined unmistakably, as well as proportions of any individual’s racial mix. The “experts” put up by PBS tried to fool the audience with mitochondrial DNA, while a publicly-available test would easily have distinguished between Jamil and Gorgeous on the one hand, and Noah and Kiril on the other, and would have put Jackie in a separate, Asian, category.

The “experts” on this program also make the usual statements that there is so little genetic variation between human populations it has no significance. Dr. Lewontin repeats his often-touted finding that there is more genetic variation

within population groups than between groups, which implies not only that race is an illusion, but—like the deceptive mitochondrial DNA test—suggests a white person might be biologically closer to a black than to other whites. AR has dealt with this argument at length in several articles (March 1997, Dec. 2000) but new information underscores the futility of these race-denying arguments.

Most scientists believe humans and chimps are 98.7 percent genetically similar, though recent data suggest the difference may be slightly larger. This close similarity was highlighted in 1975 when Mary-Claire King and Allan Wilson showed that the tiny amount of genetic variation between humans and chimps was not enough to account for the physical differences between the two species. They speculated that the way genes are expressed must be more important than the amount of genetic difference.

New work (Wolfgang Enard et al. *Science*, 296: 340-343, 2002) has demonstrated that this view—which can be called “the regulatory hypothesis”—is correct. There is a significant difference in human-chimp gene *expression* patterns, especially in the brain, and it is these differences in expression that mainly account for human-chimp phenotypic differences. Genes are arranged in a hierarchy, with some genes controlling the expression of many others. Thus, a small genetic difference in one or several genes can result in large differences in expression of other genes, even if these other genes are themselves *structurally identical* between the groups.

Indeed, another recent paper by Dr. Enard has shown that small alterations in a single gene, FOXP2, is probably the main reason humans are capable of speech and apes are not. Small changes have enormous consequences. Even the scientists who make public race-denying statements about how “genetically identical” humans are, also make statements more privately about the genetic similarity between humans, chimps, and other mammals. The parallel to racial differences is obvious: If a less than two percent difference in human and chimp genome can produce such extraordinary

physical and mental differences, the small differences between races—differences no scientist denies exist—can likewise have important results. As Dr. Enard points out in his *Science* paper, “The variation in gene expression between individuals within the [human] species is substantial, relative to the differences between humans and chimpanzee.”

As the late Glayde Whitney pointed out in an AR cover story in March, 1997, if we calculate the total, combined genetic variation in the population of Belfast and a troop of macaque monkeys,



Just another tribe of Africans?

*much more than 50 percent* of that variation will be found in both the macaques and the people of Belfast. That is to say, there is more genetic variation *within* the groups than *between* them. This does *not* mean there are not extremely important differences between the two populations or that Irishman are more similar to monkeys than they are to each other—which is exactly the kind of nonsense the Lewontin argument implies about race.

If the “more variation within than between” argument invalidates race, why not species, too? Thus, there is more genetic variation *within* populations of humans, chimps, and even mice than there is *between* humans, chimps, and mice. Would Prof. Lewontin argue for equal rights for chimps? Why not? Is there not less genetic variation between chimps and humans than within each group? Can we not say that there are only “superficial” differences between humans and chimps—just as racial differences are superficial?

Another argument the television experts make is that we are all mongrels (but if there are no races, what is the mix that produces mongrels?) This argument fails in two ways. First, the various

stocks that have gone into producing many of today's ethnic groups were relatively similar to begin with, so it hardly makes sense to call the present populations "mongrels." How different, for example, were the Anglo-Saxons from the Celts? Second, mixtures of related stocks can stabilize over time, and form a new, unique, and separate ethnic group, race, or breed. Thus, even if today's races are the result of ancient mixtures those mixtures are distinct and extremely stable.

The experts on this program consistently claim that race is "only skin-deep," and that there is no concordance between "superficial" racial traits and other characteristics such as intelligence and athletic ability. They claim these traits are independently inherited without regard to race.

This deliberately disregards decades of careful research. Many consistent group differences have been found in intelligence, behavior, brain size, resistance to disease, twinning rates, speed of maturation, etc. Prof. Arthur Jensen has gathered irrefutable proof of racial differences in average intelligence. In *Race, Evolution and Behavior* Prof. Philippe Rushton has not only documented the large number of other racial differences but shown how they fit the varying reproduction strategies followed by different racial groups. Even the most anti-racist medical doctors recognize that transplant donors and recipients often have to be matched not just for race but for close ethnicity within race, because inter-racial transplants often fail.

The "experts" claim there hasn't been enough time for humans to evolve significant differences with different levels of intelligence, for example. This is an odd argument because physical differences have evolved. The "experts" somehow believe there has been enough time for the striking differences between a Nigerian and a Swede to evolve, but not enough for differences in intelligence.

PBS tries to use sports to invalidate race, arguing that in the 1930s, Jewish teams dominated American basketball. The program thus implies that black pre-eminence in basketball today is somehow a historical accident with no biological implications. Of course, in the 1930s basketball was largely a white, urban sport, and Jewish players were not competing against the likes of Michael Jordan or Wilt Chamberlain. How would

even the best-trained Jews fare against blacks on an NBA court in the year 2003? Does anyone expect Israel to win a gold medal in basketball in the next Olympics?



Find the white boy.

Nor is it fair to ignore the dominance of people of West African descent in sprinting, and the dominance of East Africans in longer races. And do we expect black African nations to win gold medals in Olympic swimming? There are plenty of rivers and lakes in Africa in which blacks could become expert swimmers if they had natural ability. As John Entine has shown in his book *Taboo* (reviewed in Feb. 2000), there are well-established physiological racial differences that explain why certain populations excel in certain events.

Another argument from the experts' bag of tricks is that there is "continuous variation" in human differences. Thus, they claim that if you travel from "the tropics to Norway" you will see a gradual change in skin color and you would not be able to say where the dark and light races become differentiated. This argument is nonsense at two lev-



Swimmers, not runners.

els. Logically it implies that mixtures or hybrids invalidate the concept of more pure forms. These "experts" would have to argue that because we have a mixture that produces the color orange, red and yellow are really "illusions," and that since there are "mutts" this proves dog breeds do not exist.

Second, the argument is not factually correct. Moving from the tropics to Nor-

way, there are a number of sharp, albeit imperfect, divisions in both genetic structure and phenotype that result from geographical barriers. The greatest division is that separating the very dark Negroes south of the Sahara from the predominantly Caucasian, lighter-skinned Berbers and Arabs of North Africa (there is also a mulatto presence that resulted from early mixture). The Mediterranean is another barrier, separating North Africans to the south from the genetically and phenotypically distinct European populations in Southern Europe. And of course there are genetic and phenotypic gradients within Europe itself.

The PBS experts present a consistently one-sided point of view that fits perfectly with the underlying ideology of the program, the flavor of which is clear from the following quotations:

"To keep America's mongrels at bay, eugenicists proposed a series of restrictive measures unthinkable today. Yet they were adopted within and outside of America. Taken to their extreme, they fueled one of the century's greatest horrors."

"The Nazi propaganda machine pointed out that their eugenic policies were entirely consistent with and in fact derived from ideas of American race scientists."

One person on the program says: "I'm white. Would I trade my skin color? . . . um . . . I probably wouldn't trade my skin color. It's something that I've taken for granted. It's also a privilege, I guess."

And, finally, the central message: "Race is a human invention. We created it, we have used it in ways that have been in many, many respects quite negative and quite harmful. And we can think ourselves out of it. We made it, we can unmake it."

Here we have it: Race is not a biological fact but a wicked human invention that must be abolished. Race-denying scientists, fueled by ideological fervor, are trying to distort reality and "unmake race," just as the Lysenkoists of Stalin's Soviet Union tried to unmake the laws of genetics. The danger is that laymen are fooled by these arguments and by rigged "experiments" designed to give misleading results. This is not science, but hard-core propaganda, and it is important to understand the anti-European, anti-Western bias that fuels it.

*Michael Rienzi is the pen name of a biologist working in the Northeast.*



# Accusers are Accused

## ADL loses precedent-setting defamation case.

by Stephen Webster

On April 22, a three-judge panel of the US 10th Circuit Court of Appeals upheld a \$9.75 million jury award against the Anti-Defamation League (ADL), for defaming a Colorado couple it had accused of anti-Semitism in 1994. The case, *Quigley v. Rosenthal*, arose out of series of confrontations between William and Dorothy Quigley and their Jewish neighbors, Mitchell and Candace Aronson.

The verdict and appeal have established important precedents for punishing reckless charges of anti-Semitism. The same reasoning should now apply to charges of "racism," "homophobia," and all the other crimes invented by political correctness. In a very welcome decision, the court rejected what amounted to an outrageous exemption from defamation laws for "watch-dog" groups—which are now whimpering.

The Aronsons moved into the Quigley's affluent Denver suburb of Evergreen in August 1994. The families were friendly at first, and the Quigleys hosted a welcoming party for their new neighbors. Relations became strained after Mrs. Aronson took the Quigley's two children, ages 14 and 9, to an R-rated movie without their parents' knowledge, but real hostility broke out over the Aronson's dog.

First it attacked the Quigley's dog, and Mrs. Quigley asked Mrs. Aronson if the dog had had rabies shots. Mrs. Aronson told her it was "none of her goddamned business," and cursed her. The Aronsons continued to let their dog run free, and a few weeks later it got into the Quigleys' yard and scared their children. Mrs. Quigley went next door and told Mrs. Aronson that if she didn't keep her dog in, she would call animal control. Mrs. Aronson slammed the door in her face. The dog continued to roam freely, and Mrs. Quigley complained to animal control. An animal control officer investigated, and noted that Mrs. Aronson had said "she was going to 'get that bitch,' " and wanted a complaint

issued against the Quigleys. Mrs. Aronson began acting more aggressively toward Mrs. Quigley, threatening her with the dog, and yelling obscenities when their paths crossed.

On Oct. 20, 1994, Mrs. Aronson was stopped in her car in the middle of the street as Mr. Quigley drove toward her trying to pass. She made no effort to move over, and glared at him as he squeezed between her car and a garbage dumpster at the side of the road. The same morning, the Aronsons, using a police scanner, picked up a conversation



Vicious bigot hard at work.

on a cordless telephone between Mrs. Quigley and an out-of-state friend.

The conversation turned to the troubles with the Aronsons, and Mrs. Quigley's friend, obviously joking, mentioned the Holocaust and said, "Tape a big oven door on the side of their house." "We could throw some bars of soap and a lamp shade around the front, you

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### The ADL wanted an outrageous exemption from defamation laws.

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know," added Mrs. Quigley. There were other jokes about cross burning and Klan hoods, and Mrs. Quigley noted that the conversation had taken an unhealthy turn. "Sick, sick, sick," she said; "Oh, gosh."

The Aronsons recorded that call as well as another the same day, in which Mr. and Mrs. Quigley talked about the situation. Mr. Quigley went over the dog problem, Mrs. Aronson's obscene language, and the car incident, and concluded, "you've got to stop it somehow,

and if it means, you know, clipping their wings and going after them in other ways, then I don't have a problem with that, and they're wrong." The Aronsons later claimed this was a threat of violence.

That night, Mrs. Aronson contacted the Jefferson County Sheriff's Department about the road incident, claiming Mr. Quigley drove at her at high speed and swerved away at the last minute. An officer investigated but could not substantiate Mrs. Aronson's claim. The next day, Oct. 21, Mr. Aronson called the Denver office of the ADL and reported the Quigleys were making anti-Semitic threats.

### ADL moves in

The ADL referred the Aronsons to a Denver lawyer named Gary Lozow, an ADL volunteer and local board member, who helped write Colorado's ethnic intimidation law. Mr. Lozow concluded that it was legal for the Aronsons to record telephone conversations, but did not realize federal wiretap laws were about to change. Mr. Lozow then suggested the Aronsons file an ethnic intimidation complaint with the DA's office for criminal prosecution. The Aronsons continued making tapes, and gave them to the DA's office. In several calls the Quigleys referred to the Aronsons' Jewishness, and made more jokes about what they might do to them or to their house.

In November, another lawyer, Stuart Kritzer—likewise a Denver ADL board member—joined Mr. Lozow, and the two agreed to file a civil suit against the Quigleys, with compensation on a contingency basis. The suit, filed in federal court on Dec. 6, 1994, claimed that "[s]hortly after the [Aronsons] moved into their home . . . they became the objects of religious, class-based invidiously discriminatory animus and conduct by the [Quigleys], who conspired with each other and others." The complaint included selected passages from the recorded telephone calls.

On Dec. 7, Saul Rosenthal, director of the Denver ADL, called a press conference in which he accused the Quigleys of engaging "in a vicious anti-Semitic

campaign” intended to drive the Aronsons from their home. “This has been one of the most astonishing cases of anti-Semitic harassment our office has ever confronted,” he said. “The filing of the lawsuit makes clear that this kind of activity will not go unchallenged or unpunished.” Later that day, Mr. Rosenthal went on the radio and expanded on the accusations. He said it was “the worst [case of anti-Semitism] that I’ve seen in so many years, since the Berg murder [Alan Berg, a Jewish radio talk show host, was killed by anti-Semites in 1984], because it’s . . . so massive in the number of acts that . . . the Quigleys engaged in against the Aronsons.”

Neither Mr. Lozow nor Mr. Kritzer nor the ADL ever looked into the dispute between the Quigleys and the Aronsons. All they cared about was sniffing out “anti-Semitism.” The appeals court took note of this in upholding the lower court’s verdict.

Two days after the press conference, the DA’s office filed criminal ethnic intimidation charges against the Quigleys. The DA also charged Mr. Quigley with “felony menacing,” in connection with the road incident of Oct. 20. The results for the Quigleys were unpleasant. They received threats and hate mail (including a package of dog feces), were denounced from the pulpit by their own priest, and groups threatened to boycott Mr. Quigley’s employer, United Artists, unless he was fired immediately.

Later that month, the lawyers for the Aronsons learned that the federal wiretap law had made it illegal to record telephone conversations after Oct. 25, 1994, and they deleted from the complaint any reference to calls recorded after that date. Still, the ADL did its best to play up the incident as a shocking example of bigotry. On Jan. 6, Mr. Rosenthal told his deputy to make sure the ADL was “maximizing all opportunities” that arose from the Aronson case. He ordered her to alert the press and keep the ADL’s New York and Los Angeles offices informed. “Make hay while the sun shines,” he told her.

In January 1995, the Quigleys countersued the Aronsons, and filed a separate suit against Mr. Rosenthal and the ADL for libel, adding that lawyers Lozow and Kritzer violated federal wiretap law by intercepting telephone conversations after Oct. 25, 1994.

Steven Jensen, the Assistant DA assigned to the case, soon discovered it

was very shaky. He found the sheriff’s reports “pretty sparse,” and began his own investigation. He listened to all the taped conversations—not just the snippets offered by the Aronsons’ lawyers—



and decided that the most inflammatory remarks were nothing more than “venting” and “sick humor.” He also determined that Mr. Quigley had made no racist or biased remarks, and dismissed the ethnic intimidation charges within the month. The DA dropped the felony menacing charge soon after.

The Quigleys then sued the Jefferson County District Attorney’s Office for malicious prosecution, and received a \$75,000 settlement and two letters of public apology. The Aronsons, in turn, sued their lawyers, Mr. Lozow and Mr. Kritzer, accusing them of working for the ADL rather than for them. In Feb. 1998, more than three years after charges were initially filed, the lawyers agreed to pay \$350,000 to the Quigleys, and an undisclosed amount to the Aronsons, in exchange for release from all state and federal liability. The ADL paid the full cost of the deductible on the lawyers’ malpractice insurance.

This did not, however, end the Quigley’s case against Saul Rosenthal and the ADL, which went to trial in 2000. A jury found them guilty of defamation, invasion of privacy, and violation of the federal wiretap law, and ordered combined compensatory and punitive damages of \$9.75 million—nearly 25 percent of the national ADL’s annual budget.

The ADL appealed, but in a 2-1 decision on April 22, the appeals court up-



held the defamation and federal wiretap judgments, while reversing the invasion of privacy verdict on technical grounds. The court left the damages figure untouched, so unless the ADL wins on further appeal, it will have to pay.

Of greatest significance in the ruling, however, was the ADL’s failure to carve

out for itself a special exemption in defamation law, a failure that is a setback for all people and organizations that make it their business to accuse others of thought crimes. Defamation and libel suits generally divide plaintiffs into two categories: public and private persons. A public person—a politician, actor, author, broadcaster—is deemed to have made a decision to go before the public and run the risk that people will talk about him. Some of the things they say will be unpleasant and some will be false, but there must be a showing of actual malice or willful disregard for the truth for a damaging statement about a public person to be considered legally punishable. This makes it very hard for public persons to sue for libel.

Private persons—the vast majority of citizens—have greater protection. There is some variation from state to state, but a false and damaging statement about private people can be pursued in civil court if the person making the statement can be shown to have been merely negligent with the truth. Under some circumstances, private people may lose this higher level of protection if they are engaged in what is considered a “matter of public concern.” Courts make this determination case by case and have found, for example, that racial discrimination in hiring even if practiced by a private person is a “matter of public concern” when it comes to libel law.

The ADL argued that “bigotry” is by its very nature a matter of public concern, and therefore anyone who engages in it is a public figure and forfeits his rights as a private person. Thus, an accused “bigot” can be defamed only through actual malice rather than mere negligence of the truth. The ADL said the lower court erred in concluding that the Quigleys’ alleged anti-Semitism did not rise to level of public concern. Please note that what is under consideration here are charges that have been shown to be *false*, and that the only dispute is over whether the bringer of false charges was reckless or merely negligent. The ADL’s argument was that *suspected* anti-Semitism is so fantastically important, even accusations that turn out to be false should not be punished in the same way as other kinds of false accusations.

Writing for the appeals court majority, Judge Mary Beck Briscoe disagreed. She pointed out that until the ADL press conference in Dec. 1994, “the dispute between the Aronsons and the Quigleys

was still essentially private.” “The Quigleys were not public figures at that point,” she wrote, “and Rosenthal’s statements about them are, accordingly, not subject to the higher [actual malice] standard [of fault].” She concluded that “[Aronson lawyer] Kritzer’s action, and by extension the ADL’s action, was taken with utter disregard to the serious consequences that would follow allegations of anti-Semitism lodged against plaintiffs.”

In a dissent, Judge Harris Hartz reflected the widespread obsession with curbing even private expressions of “bigotry.” He wrote that matters of “social concern” can easily become matters of public concern, adding “I would have thought that the social concern of our day is bigotry. Surely, faith-based intolerance, particularly when combined with

threats of violence, is a matter of concern to the community at large. Our recognition of Martin Luther King’s birthday as a national holiday is intended to underscore this country’s commitment to end bigotry, private as well as official.”

This position is inconsistent on its face. If “bigotry” is a matter of such urgent concern that engaging in it automatically strips a private person of the usual protections against libel, it is for that reason such a serious matter that the accusation can be extremely damaging. False accusations should therefore be punished with particular vigor. The ADL wants it both ways: to make “bigotry” out as uniquely damaging, and yet expect private persons to cheerfully laugh it off if they are falsely accused. They want a special exemption from libel laws

for the kinds of accusation they make it their business to bring.

Other leftist “watch-dogs” want the same thing. The LAMBDA Legal Defense and Education Fund, the NOW Legal Defense and Education Fund, the American Jewish Committee, and other mud-slingers filed friend-of-the-court briefs promoting the same exemption. They, too, must want to be able to make damaging and false accusations without fearing the consequences.

This case, and the substantial judgment a Colorado jury handed down, could not have come at a better time. It will be a warning to those who impugn others’ motives, and will encourage the victims of witch hunts to take their accusers to court. It is a clear victory for free speech and common sense. **Ω**

## O Tempora, O Mores!

### More Success for BNP

After achieving its first electoral successes in nearly a decade last year, the British National Party ran a record number of candidates—221—in this year’s local government elections. When the count was over, the BNP more than tripled the number of council seats it held, going from five to sixteen. Its greatest success was in the northwest English city of Burnley, where it added five



Not a supporter.

more seats to the three it won last year, making the BNP the second largest party in the city. BNP spokesman Simon Bennett says of the Burnley results, “I’m delighted. . . . I just hope other parties will accept that we are a part of the political landscape in Burnley and work with us.”

Such cooperation is unlikely. Labour MP Peter Pike, who represents Burnley

in Parliament, calls the BNP “racist” and “divisive.” Shahid Malik, a former member of the Commission for Racial Equality, notes that the BNP holds only a small fraction of council seats nationwide. Still, he says, “One BNP councillor in this country is one too many.”

“It’s not a question of them being racist or us being racist. It’s just saying things as they are,” says one local supporter. Winnie Hales, a former Labour voter, feels no qualms about voting BNP for the third straight election. “Why should I?” she asks. “All I want is fairness. . . . It’s only the BNP who are sticking up for us.”

In addition to the seats in Burnley, the BNP picked up two seats in nearby Sandwell, and one each in Calderdale, Dudley, Stoke-on-Trent, as well as one in Broxbourne, a district in Hertfordshire near London, well outside the region where the party has enjoyed most of its recent success.

The BNP did suffer some disappointments. It ran candidates for all 25 council seats in the city of Sunderland, in the hope of gaining a foothold in the north-east of England. It came in second in five wards, but won no seats. BNP leader Nick Griffin also lost his bid for a seat in Oldham, scene of the 2001 race riots, coming in second behind the Labour candidate. [British PM Survives Local, Regional Polls Despite Some Labour Losses, AFP, May 2, 2003. Philip

Johnston and Paul Stokes, BNP Gains Give Party First Taste of Power, Telegraph (London), May 2, 2003. Simon Parker, BNP Trebles Seats, Guardian (London), May 2, 2003. Nigel Bunyan, BNP Built Success on White Voters’ Resentment, Telegraph (London), May 3, 2003.]

### King of the Road

On April 13, a police officer in the LA suburb of Rialto spotted a 2003 Ford Expedition SUV travelling at nearly 100 mph and weaving in and out of traffic. Before the officer could begin pursuit, the driver lost control. He hit a tree and a utility pole, went through a fence, and crashed into a house with such force police assumed the crash was fatal. They got two surprises: the driver was alive, and turned out to be habitual black criminal Rodney King. At last report, he was in the hospital in fair condition with a broken pelvis. No one else was hurt in the crash.

Mr. King has had numerous brushes with the law since he received a \$3.8 million settlement from the city of Los Angeles in 1994 for his well-publicized beating in 1991. In 1999, he served 90 days in jail for a conviction of spousal abuse. In 2001, he was arrested twice for suspected PCP use, and sentenced to a year in a drug treatment facility. [Rodney King Injured After Smashing



Car Into House, Reuters, April 15, 2003. King Recovering After Slamming His Vehicle Into House, AP, April 15, 2003.]

## The Dangers of Candor

On March 13, a 17-year-old white girl and her mother complained to Cedar Grove, Florida, Police Chief John Ferrick that the girl's black former boyfriend had beaten her. The girl's mother, Cherry Sherman, says Chief Ferrick told her daughter, "Let me give you some advice—you need to stay away from black boys. You are lucky that you didn't get your throat cut, because that's what they do to white girls."

The girl took offense, and filed a written complaint. On April 9, the city's Civil Service Board ordered Chief Ferrick to write letters of apology to the girl, her mother and a friend who also heard him. Chief Ferrick, 67, admits he advised the girl to stay away from blacks, but denies he said anything about getting her throat cut. [Police Chief Must Apologize, Orlando Sentinel, April 12, 2003.]

Elsewhere in Florida, Republican state Rep. Fred Brummer was forced to apologize for joking that an upcoming basketball game between Democrats and Republicans in the state legislature would be unfair "because all the blacks are Democrats." "It was not my intention to be insensitive," he now says. [City Link Magazine (Ft. Lauderdale), News-watch: Quotes, Apr. 16, 2003, p. 10.]

## Out of Gas

Nigeria exports two million barrels of oil a day, and is the fifth-largest supplier to the US, but imports some of its gasoline. When the international supply dropped just before the Iraq war, Nigeria ran short. Many motorists had to wait up to three days in gas lines that stretched for miles, and often got into fights over line-cutting. In the southern city of Asaba, a police officer shot and killed two people who told him he had to wait in line like everybody else; the angry crowd then attacked the policeman and beat him to death. Nigerians often take justice into their own hands.

Black market sales made the shortage worse. The official government price for gasoline is about 80 cents a gallon, but fuel-hungry Nigerians were prepared to pay up to ten times that much—in a country where 70 percent of the population earns less than \$1 per day. Some

gas station owners diverted fuel to the black market, and made huge profits by shorting their customers.



Nigerian gas line.

Many sellers on the black market were soldiers, policemen and government officials. Men driving cars with government license plates were seen trading barrels of gasoline in the parking lot of the Public Enlightenment Department, which is part of the Independent Corrupt Practices and Other Related Offenses Commission. [Davan Maharaj, Oil-Rich Nigeria Plagued by Gasoline Shortage, Los Angeles Times, May 1, 2003.]

## More on Somalis

The federal government likes to send refugees to Clarkston, Georgia, a suburb of Atlanta with a population of 7,200. Its foreign-born population increased 350 percent in the 1990s, and is sure to rise, since Clarkston will get many of Georgia's initial 620-650 allotment of the 12,000 Somalis the feds are bringing in (see May issue). With one in three residents already foreign-born, townspeople worry their city is turning into a resettlement camp.

On March 31, Mayor Lee Swaney hosted a public town meeting with representatives from refugee and resettlement agencies. The public was not allowed to question the representatives directly; Mayor Swaney asked prepared questions, based on inquiries from constituents. They wanted to know who chose Clarkston for resettlement, why the town wasn't reimbursed for costs, and whether refugees would get job and language training.

The bureaucrats weren't happy. Jasmine Majid, Georgia state refugee coordinator, says the questions "reflect a very sad and negative aspect of Clarkston." Many residents didn't like the answers. Greg Perry, who lives just outside Clarkston, thinks the refugee agents

dodged questions and gave "canned" answers, evading queries about costs by saying refugees are an asset because they pay taxes and run businesses. He thinks residents should have asked questions themselves. "Everything was skewed the way they wanted to present it," he says. "They weren't really interested in the concerns of the community." [Mark Bixler, Agencies Try to Reassure Clarkston, Atlanta Journal-Constitution, April 1, 2003, p. B5.]

Just over 600 Somalis live in Charlotte, North Carolina. Some were originally resettled there but most came from other cities for jobs. In 2000, Somali leaders formed a non-profit group called the Somali Community of North Carolina, to help new arrivals and lobby city hall. Later, Charlotte's economy slowed, and many Somalis lost their jobs. In 2002, Somali Community was evicted from its office for failing to pay rent, and now meets in a grocery store. It is asking for \$100,400 from the city to rent a new office, hire a director, and buy computers, hinting Somalis might take their lovely diversity elsewhere. City officials say they've never heard of an immigrant group making demands like these, and point out that Charlotte faces an \$11 million deficit and doesn't have the money. [Christina C. Breen, Somalis Striving to Retain Identity, Charlotte Observer, Apr. 20, 2003.]

## Race Is What Matters

On March 10, 2003, two policemen died in a shootout at the Stapleton Houses in New York City. Almost everyone who lives there is black. Grace Watkins, an 18-year-old resident, explained that when most people learned about the killings they said they thought the policemen got what they deserved. "I think a lot of people out here weren't worried about [the shootings] because they thought they were white cops, but when they heard the cops were black, their attitude changed totally," she said. "And they started expressing concern for the police officers' families." [Douglas Montero, Surprising Sympathy Dawns in Projects, New York Post, March 12, 2003.]

## Costly Foreigners

During the first six months of 2002, 56 Florida hospitals spent \$40.2 million on unreimbursed medical care for non-

citizens, many of them illegal aliens. These institutions represent only one fourth of the acute-care hospitals in the state. There were 705 indigent, foreign patients found in a study of those hospitals. The average bill for each was \$63,155 and the average stay was 22 days. Eleven patients were hospitalized for six months or longer, and the most expensive patient was a Jamaican who had run up a \$3.3 million bill and spent more than a year in bed. Hospitals are desperate to get these people out, but are required by federal law not to turn them away, and once they are in they can be very hard to discharge. Government programs pick up only a small part of the tab, so the job of paying for patients who stiff hospitals falls mainly on people under age 65, who face higher insurance premiums for themselves. [Liz Freeman, Hospitals Wrestle With How to Handle Millions in Unpaid Bills of Noncitizens, Naples News (Florida), Jan. 12, 2003.]

## Racial Quotas in Brazil


More blacks live in Brazil than in any other country outside of Africa. Forty-five percent of its 175 million people are said to be black to some degree. Brazilians often claim their country is free of "racism," though blacks are at the bottom of a society in which wealth and power are almost exclusively white. The new leftist government of Luiz Inácio Lula da Silva plans to change this, and is pushing a law that would set strict racial quotas in university admissions, hiring, and even in television programming. Quotas have already been established at two public universities, which recently set aside 40 percent of their freshman classes for blacks. In the highly competitive Brazilian system, which admits students on the basis of test scores, only three percent of college students are black. White students are fighting quotas, claiming they are being denied equal access to education. The Supreme Court is likely to rule on the question, but since the Chief Justice recently ordered hiring quotas for the court, black activists are confident of a favorable ruling.

There is considerable public opposition to the campaign. "Do they want racial war in Brazil?" asked a recent article in the daily *O Estado de São Paulo*, which has complained in an editorial that the government was "officializing racial discrimination." Some black activists realize that an immediate push for 40-

percent quotas might fail, and are asking for 20 percent to start with. Also, there is some question as to who is actually black. In Brazil there are more than 300 terms to describe different mixtures of black, and light-skinned blacks often do not consider themselves black as they do in the United States.

In university admissions, preferences go to people who claim African ancestry, so many people are suddenly claiming to be black. Some people have proposed a scientific criterion for determining blackness, but Justice Minister Márcio Thomaz Bastos disagrees. "A black person is someone who feels black and lives as a black," he insists. "I don't believe there is any objective, scientific criteria." As in the United States, activists are essentially unopposed when they point to racial differences in education, earnings, and arrest rates as proof of racial discrimination for which quotas are the only remedy. [Larry Rohter, Racial Quotas in Brazil Touch Off Fierce Debate, New York Times, April 5, 2003.]

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## Race-Mixing and Marriage

People who cohabit without marriage are twice as likely as married couples to cross racial lines. According to the 2000 census, 15 percent of the nation's 4.9 million unmarried heterosexual couples are racially mixed, compared to about seven percent of the 54.5 million married couples. Slightly fewer than 15 percent of the 600,000 same-sex couples are racially mixed. Just over five percent of

America's 105.5 million homes have an unmarried couple living in them, and just over 50 percent are headed by married couples; single people head the remaining 44 percent. Race-mixing is most common in Hawaii, where more than one third of married couples and more than half of cohabiting couples are interracial. For the nation as a whole, about ten percent of couples who live together are unmarried. The figure is lowest in Utah, where only five percent of cohabiting couples are unmarried. Rates are highest in Alaska, Nevada, and Vermont, where more than 12.5 percent of couples are unmarried. [Census: Interracial Couples Married and Unmarried, AP, March 13, 2003.]

## Shades of Black

There are now 1.7 million blacks living in the United States who are of Caribbean origin. Seventy percent are first-generation immigrants. They stay in school longer than American blacks, and earn more money (see table). The 500,000 Africans now living here, of whom 85 percent are foreign-born, do even better. A large number of them come to go to college, and they average more years of education than even whites and Asians. It is generally agreed that black immigrants from Africa and the Caribbean are of considerably higher ability than the countrymen they leave behind.

	Yrs. of School	Household Income
Asians	13.9	\$64,000
Whites	13.5	\$52,000
Africans	14.5	\$40,300
Afro-Caribs	12.8	\$40,000
Hispanics	10.7	\$37,600
US Blacks	12.5	\$33,500

This table is in descending order of median household income, with Asians well in the lead. There is a correlation between years of schooling and income, but it is hardly perfect. Africans have the most education but not the highest incomes. Hispanics have the least education but do not have lowest incomes. [Darryl Fears, Disparity Marks Black Ethnic Groups, Report Says, Washington Post, March 9, 2003.]